

CHAPTER 7 ELECTION PROCEDURES

Secs.

- 700 Types of Ballots
- 701 Forms of Ballots
- 702 Candidates Names on Ballots
- 703 Opening and Closing of Polls
- 704 Polling Place Officials
- 705 Poll Watchers and Vote Counting Watchers
- 706 Election Officials Liaison with Watchers
- 707 Challenge to Voter Qualifications
- 708 Control of Activity at Polling and Counting Places
- 709 Assistance to Voters at the Polls
- 710 Types of Voters
- 711 Voting Booth
- 712 Secrecy of the Ballot
- 713 Vote Casting Procedures: Regular Ballot
- 714 Spoiled Ballots
- 715 Voting the Absentee Ballot: General Requirements
- 716 Voting the Absentee Ballot: By Mail
- 717 Voting the Absentee Ballot: By Fax
- 718 Voting the Absentee Ballot: In Person
- 719 Voting the Absentee Ballot: In Emergency

- 720 Voting the Absentee Ballot: Federal Voter
- 721 Vote Casting Procedures: Special Ballot
- 722 Special Ballot Appeal Rights
- 723 Closing the Polls
- 724 Collection and Transfer of Ballots and Other Polling Place Materials
- 725 Special Election Procedures: Advisory Neighborhood Commission Members

700 TYPES OF BALLOTS

700.1 The Board shall publish a fictitious name sample design and layout of the ballot (also called a "fictitious ballot") to be used in each election in the *D.C. Register* not later than forty-five (45) days before the election.

700.2 The Board shall publish a sample copy of the official ballot to be used in each election (except the official ballot to be used in the Advisory Neighborhood Commissions elections) in one or more newspapers of general circulation in the District not more than seven (7) days before each election.

700.3 The Board shall permit the preparation and distribution of sample ballots, subject to the following requirements:

- (a) Sample ballots shall be printed or reproduced on a white color of paper; and
- (b) Sample ballots shall be prominently marked on the front with the word(s) "Sample" or "Sample Ballot."

700.4 The Board shall provide test ballots during the testing of the programs and equipment used to count votes before any election.

700.5 The Board shall provide official ballots to absentee voters and to voters on election day to be used by the voter for indicating candidate or measure preference in any contest.

700.6 The Board shall accept the qualified "Federal Write-In Ballot," as defined under the Uniformed and Overseas Citizens Voting Rights Act of 1986, as an official ballot.

AUTHORITY: Unless otherwise noted, the authority for this chapter is section 5 of the District of Columbia Election Act, 69 Stat. 700, ch. 862, § 5, D.C. Code § 1-1001.05(a)(14) (2006 Repl.).

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2478-79 (April 10, 1992).
Amendments to Final Rulemaking published at 51 D.C. Reg. 7401 (July 30, 2004).

701 FORMS OF BALLOTS

701.1 In primary elections, the Board shall provide separate and different colored ballots for the candidates of each political party qualified to participate in the election (**PRIMARY BALLOTS**).

701.2 In city-wide general elections, the Board shall supply ballots listing the offices to be filled and candidates for each office to be filled (**GENERAL ELECTION BALLOTS**).

701.3 In special elections, the Board shall furnish ballots listing the following:

- (a) The offices to be filled and candidates for each office to be filled;
- (b) The short title and summary statement of any proposed referendum or recall measure; or
- (c) Any proposed Charter amendment.

701.4 In any primary, general or special election, in which the office of President of the United States, Vice President of the United States, or Delegate to the House of Representatives, appears on the ballot, the Board shall provide absentee ballots listing the office or offices to be filled and the candidates for each office (**FEDERAL BALLOTS**). Federal Ballots shall be restricted to qualified federal electors as defined in § 501.2.

701.5 Initiative, Referendum and Recall measures and proposed Charter amendments may appear on a separate ballot in any election.

SOURCE: as amended by Final Rulemaking published at 39 D.C. Reg. 2478, 2479 (April 10, 1992).

702 CANDIDATES NAMES ON BALLOTS

702.1 The name of a candidate for election shall appear on the ballot in the form designated on the Declaration of Candidacy and Affidavit of Qualifications executed and filed by the candidate in accordance with the provisions of chapter 6 of this title; Provided, that the name conforms to the following:

- (a) The use of titles, degrees and prefixes on the nominating petition is prohibited; and

(b) The candidate shall designate the listing of his or her name on the ballot by specifying the given name or names, or the initial letter of a given name, if any, and surname.

702.2 The Board may permit a candidate to specify a modified form of his or her given name or names on the Declaration if the Board finds that the change shall not confuse or mislead the voters and is legally acceptable.

702.3 The Board shall arrange the names of the candidates on each ballot, and for each office, so that a voter may vote for as many candidates as there are offices to be filled.

702.4 In any election, the order in which the names and slates of the candidates for office appear on the ballot shall be determined by lot, upon a date and in a manner prescribed by the Board.

702.5 If there is a successful petition challenge, the position of the remaining candidates names shall be advanced accordingly.

702.6 Except where otherwise specified, the names of candidates nominated as a slate shall be listed on the ballot in the same order in which their names appear on the first page of their nominating petition.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2479-80 (April 10, 1992).

703 OPENING AND CLOSING OF POLLS

703.1 Polling places in which elections are to be held shall be opened at 7:00 a.m. on the date required by law for the election and shall remain open for voting until 8:00 p.m. except instances when the time established for closing the polls is extended pursuant to a Federal or District of Columbia court order or any other order.

703.2 All persons standing in line at a polling place at the close of polls shall be permitted to vote, if otherwise qualified.

703.3 At the close of polls, a member of the Polling Team shall take a position at the end of any existing line of prospective voters, and only persons standing in front of the official at that time shall be permitted to vote.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2480 (April 10, 1992). Amendments to Final Rulemaking published at 50 D.C. Reg. 11074-11075, (December 26, 2003) and 51 D.C. Reg. 5041 (May 14, 2004).

704 POLLING PLACE OFFICIALS

704.1 The operations of polling places and ballot counting places shall be conducted by officials designated by the Board.

704.2 The official in charge of each polling place shall be known as the Precinct Captain.

704.3 The duties of the Precinct Captain may be delegated by the Captain or by the Board to another official, who shall be known as the Alternate Precinct Captain.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2480 (April 10, 1992).

705 POLL WATCHERS AND VOTE COUNTING WATCHERS

705.1 Each qualified candidate and the proponents and opponents of proposed initiative, referendum and recall measures, and Charter amendments, may petition the Board for credentials authorizing watchers at one or more polling places or counting places.

705.2 Each petition shall be filed with the Board, not less than two (2) weeks before each election and shall be on a form furnished by the Board.

705.3 At the time of filing, the petition form shall contain the following:

(a) The name, address, telephone number, and signature of the candidate, proponent, or opponent with the office for which he or she is a candidate, and a short title, if any, of the measure or proposed Charter amendment which he or she supports or opposes;

(b) The name, address, and telephone number of the watcher supervisor, if a person is designated by the candidate, proponent, or opponent;

(c) The names, addresses and telephone numbers of at least two (2) and not more than three (3) persons, authorized to represent the candidate, proponent, or opponent on election day and receive the badges from the Board; and

(d) A certificate that each proposed watcher selected, is a qualified elector, and that he or she shall conform to the regulations of the Board with respect to watchers and the conduct of the election.

705.4 The Board may limit the number of watchers to ensure that the conduct of the election will not be unreasonably obstructed.

705.5 The number of watchers allowed by each qualified candidate, proponent, or opponent at each polling place and at each counting place, shall be determined by the Board not less than two (2) weeks prior to an election.

705.6 In making a determination of the number of watchers allowed, the Board shall consider the following:

- (a) The number of candidates;
- (b) The candidates running as a slate;
- (c) The number of proponents and opponents of measures and proposed Charter amendments;
- (d) The physical limitations of the polling places and counting place; and
- (e) Any other relevant factors.

705.7 The Board shall issue a badge for each authorized watcher, with space for the watcher's name and the name of the candidate or party represented by the watcher. Badges shall also be issued for each authorized watcher representing the proponents or opponents of measures or proposed Charter amendments.

705.8 Badges shall be numbered consecutively, and consecutive numbers issued to each candidate, proponent, or opponent.

705.9 All badges shall be worn in plain view by the authorized watcher at all times when on duty at the polling place or counting place.

705.10 An authorized alternate watcher may, in the discretion of the watcher supervisor, be substituted for a watcher at any time; provided, that notice is first given to the designated representative of the Board at the polling place or counting place.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2481-82 (April 10, 1992).

705.11 A watcher shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted;
- (c) Report alleged discrepancies to the Precinct Captain; and
- (d) Challenge voters in accordance with the procedures specified in §707.

705.12 No watcher shall, at any time, do any of the following:

- (a) Touch any official record, ballot, ballot box, or counting form;
- (b) Interfere with the progress of the voting or counting;
- (c) Talk to any voter while the voter is in the process of voting, or to any counter while the count is underway; provided, that a watcher may request that a ballot be referred for ruling on its validity to a representative of the Board; or
- (d) In any way obstruct the election process.

705.13 Any watcher who in the judgment of the Board or its designated representatives has failed to comply with any of the rules contained in this section may be requested to leave the polling place or the counting center.

705.14 If a watcher is requested to leave, that watcher's credentials shall be deemed cancelled, and he or she shall leave the polling place or Counting Center forthwith.

705.15 An authorized alternate watcher may be substituted for a watcher who has been removed.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2480 (April 10, 1992).
Final Rulemaking amended at 51 D.C. Reg. 7404-7406 (July 30, 2004).

706 ELECTION OFFICIALS LIAISON WITH WATCHERS

706.1 Election officials shall act as liaison with watchers, as provided in this section.

706.2 The Precinct Captain at each polling place shall be the representative of the Board to whom the watchers shall direct all questions and comments.

706.3 Prior to the commencement of counting, the Board shall identify those representatives to whom watchers shall direct all questions and comments.

706.4 If a watcher has any question, or claims any discrepancy or error in the voting or the counting of the vote, the watcher shall direct the question or complaint to the election official in charge.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2482 (April 10, 1992).

REVISION NOTE: The term "Polling Team Captain" has been changed to read "Precinct Captain" pursuant to § 706.2 to conform to an amendment made to § 704.2.

707 CHALLENGE TO VOTER QUALIFICATIONS

707.1 A watcher shall be allowed to perform the following acts:

- (a) Observe the count;
- (b) Unofficially ascertain the identity of persons who have voted;
- (c) Report alleged discrepancies to the Precinct Captain; and
- (d) Challenge voters.

707.2 A duly authorized watcher, or the Precinct Captain, may challenge the qualifications of a prospective voter in a primary, special or general election.

707.3 Any challenge, pursuant to § 707.2, to the qualifications of a prospective voter, shall be in writing, on a form provided by the Board, specifying concisely the grounds for the challenge, and signed by the challenger and the Precinct Captain.

707.4 The Precinct Captain shall require a voter to cast a "challenged" ballot, pursuant to § 710.4(h) where the Precinct Captain reasonably believes that the prospective voter is unqualified to vote, based on the following:

- (a) The filing of a written challenge by a duly authorized watcher or the Precinct Captain; and
- (b) The hearing of any comments from both parties to the challenge.

707.5 The Precinct Captain shall review the evidence and shall:

- (a) Affirm the challenge upon a finding that it is based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, or;
- (b) Deny the challenge upon a finding that it is not based on substantial evidence specific to the voter being challenged and probative of the challenged voter's status as a qualified elector.

707.6 The Precinct Captain shall record the decision and the rationale for the decision on a form provided by the Board.

707.7 If the Precinct Captain denies the challenge, he or she shall inform the challenger that the challenger may appeal the decision to the Board and shall give the challenger copies of the regarding challenges and appeals to the Board.

707.8 Any appeal of the Precinct Captain's decision to deny the challenge shall be made either before the challenged voter casts a regular ballot, or before either the challenger or the challenged voter leaves the polling place, whichever is earlier.

707.9 If the challenger does not appeal the Precinct Captain's decision to deny the challenge, the challenged voter shall cast a regular ballot.

707.10 If the challenger appeals the Precinct Captain's decision to deny the challenge, the Precinct Captain shall state, over the telephone, the facts of the case to a Board hearing officer authorized to rule on the appeal for the Board.

707.11 Either a Board member, the Board's Executive Director, or the Board's chief voter registration official may serve as the Board's hearing officer for the appeal.

707.12 The hearing officer shall be recorded and transcribed, and the transcript shall serve as the official case record, along with the written documentation, as specified in § 707.6 of the Precinct Captain's initial decision to deny the challenge.

707.13 The hearing officer shall take testimony under oath from the challenger, the person challenged, the Precinct Captain and any witnesses who wish to testify.

707.14 Each person who testifies before the hearing officer shall state for the record their name as recorded on the Board's voter registration list, their residence address, mailing address and telephone number, and their role in the challenge.

707.15 The hearing officer shall receive evidence and testimony and shall then close the hearing.

707.16 After reviewing all evidence pertaining to the challenge and making a decision based upon his or her determination of whether the challenger has presented substantial evidence that is specific to the voter being challenged and probative of the challenged voter's status as a qualified elector, the hearing officer shall either:

(a) Affirm the Precinct Captain's decision to deny the challenge, in which case the challenged voter shall cast a regular ballot or;

(b) Overturn the Precinct Captain's decision to deny the challenge, in which case the challenged voter shall cast a "challenged" special ballot, pursuant to § 710.4 (h).

707.17 If the Precinct Captain affirms the challenge made at the polling place, or if the Board's hearing officer overturns the decision of the Precinct Captain to deny a challenge, the Precinct Captain shall allow the challenged voter to cast a "challenged" special ballot, pursuant to § 710.4 (h).

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2482-84 (April 10, 1992). Final Rulemaking amended at 51 D.C. Reg. 7406-7407 (July 30, 2004).

708 CONTROL OF ACTIVITY AT POLLING AND COUNTING PLACES

708.1 The Precinct Captain shall have full authority to maintain order, pursuant to the Election Act and the regulations contained in this section, including full authority to request police officials to enforce lawful orders of the Precinct Captain.

708.2 The only activity which shall be permitted in the portion of any building used as a polling or vote counting place shall be the conduct of the election.

708.3 The only persons who shall be permitted to be present in polling or counting places are the following:

- (a) Designated representatives of the Board;
- (b) Police officers;
- (c) Duly qualified election watchers;
- (d) Persons actually engaged in voting; and
- (e) Other persons authorized by the Board.

708.4 No partisan or nonpartisan political activity, or any other activity which, in the judgment of the Precinct Captain, may directly or indirectly interfere with the orderly conduct of the election, shall be permitted in, on, or within a reasonable distance outside the building used as a polling or vote counting place.

708.5 The distance deemed "reasonable" shall be approximately fifty feet (50 ft.) from any door used to enter the building for voting.

708.6 The exact distance shall be determined by the Precinct Captain, depending on the physical features of the building and surrounding area.

708.7 Wherever possible, the limits shall be indicated by a chalk line, or by some other physical marker, at the polling place.

708.8 For the purposes of this section, the term "political activity" shall include without limitation, any activity intended to persuade a person to vote for or against any candidate or measure or to desist from voting.

708.9 A person shall be warned to cease and desist his or her conduct upon any instance of the following:

- (a) Violation of the Election Act or regulations contained in this section;
- (b) Failure to obey any reasonable order of the Board, or its representative(s); or

(c) Acting in a disorderly manner in, or within a reasonable distance outside the building used as a polling or counting place.

708.10 If the person committing the violation(s) fails to cease and desist the conduct specified in § 708.9, a member of the Metropolitan Police Department of the District of Columbia shall be requested to evict the person or take other appropriate action.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2484-85 (April 10, 1992).

709 ASSISTANCE TO VOTERS AT THE POLLS

709.1 Any voter who requires assistance in voting may be given assistance by a person of the voter's choice.

709.2 The Board shall ensure that capable assistance shall be made available to any requesting voter at the polls.

709.3 The Board shall provide in each precinct one (1) or more polling place officials specifically trained to assist voters upon their request.

709.4 A polling place official, a person of the voter's choice, or both, shall assist a voter upon the request of the voter and in accordance with the wishes of the voter.

709.5 The Precinct Captain shall ensure that a record is made of the provision of such assistance to the voter and the nature of the voter's need for assistance.

709.6 Assistance provided to a voter may include, though not necessarily be limited to, the following:

- (a) Marking the ballot in accordance with the voter's expressed wishes;
- (b) Reading the ballot to a voter whose vision is impaired or who cannot read;
- (c) Recording a write-in vote as designated by the voter; and
- (d) Completing a form for the voter who cannot do so because of physical disability, advanced age, handicap, or illiteracy.

709.7 No person or official providing voter assistance shall in any way influence or attempt to influence a voter's choice in voting, nor shall the person or official disclose to anyone how the voter voted.

709.8 Written instructions on the operation of the punching device shall be available to all voters. A trained polling place official shall also be available to explain the voting process.

709.9 All voters shall have the opportunity, if desired, to mark a demonstration ballot prior to entering the voting booth.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2485-86 (April 10, 1992). Final Rulemaking amended at 51 D.C. Reg. 7407-7409 (July 30, 2004).

710 TYPES OF VOTERS

710.1 In any election held in the District of Columbia, there shall be the following types of voters:

- (a) Duly registered voter;
- (b) Absentee voter;
- (c) Special voter; and
- (d) Federal voter.

710.2 A "duly registered voter" is a person who meets the following requirements:

- (a) He or she is a "qualified elector," pursuant to § 500.3;
- (b) He or she registers to vote by no later than thirty (30) days prior to the election; and
- (c) He or she resides at the residence address as that address appears on the Board's records.

710.3 An "absentee voter" is a duly registered voter who qualifies to vote absentee under the following conditions:

- (a) He or she has requested an absentee ballot pursuant to § 716, 717, 718, or 719 and;
- (b) He or she qualifies to cast an absentee ballot for at least one (1) of the reasons specified in § 715.2.

710.4 A "special voter" is a person who may qualify to vote by special ballot or provisional ballot, as it is termed in the "Help America Vote Act of 2002" because he or she:

- (a) Is employed by the Board or employed by the District performing election duties which prevent the voter from voting the ballot in the voting precinct serving the voter's current residence address;

(b) Wishes to vote in a precinct other than that serving the voter's address because of age, handicap, or limitation of health; provided, that where the vote is to be cast outside the voter ward or single member district, written notice from the voter shall be received by the Board prior to election day, so that the person may be provided with a complete ballot;

(c) Is listed as an absentee voter on the alphabetical list of registered voters in the precinct but claims that he or she has not voted by absentee ballot;

(d) Is listed on the alphabetical list of registered voters in the precinct but claims, in a primary election, that the party affiliation indicated on the listing is in error;

(e) Alleges that his or her name has been erroneously omitted from the list of registered voters, or alleges that his or her name or address is erroneously printed on the list of registered voters;

(f) Has moved from the address as listed on the Board's registration records and presents himself or herself to vote at the precinct serving his or her current residence address;

(g) Has been deemed "inactive" on the voter roll and presents him or herself to vote at the address serving his or her current residence address;

(h) If a challenge, pursuant to § 707 is accepted, and that challenge is accepted, in which case the ballot shall be designated as "challenged" on the special ballot envelope;

(i) Has been challenged pursuant to § 710.7, in which case the ballot shall be designated as "administrative challenge" on the special ballot envelope; and

(j) Votes in an election for Federal office as a result of a Federal or District of Columbia court order or any other order extending the time established for closing the polls by a District law in effect 10 days before the date of that election; or

(k) Has not previously voted in a Federal election in the District and who registers to vote by mail and fails to present, either at the time of registration, at the polling place, or when voting by mail, either a copy of a current and valid photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other document that shows his or her name and address.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2485-86 (April 10, 1992). Amendments to Final Rulemaking published at 51 D.C. Reg. 7409-7412 (July 30, 2004)

710.5 A "federal voter" is a person who meets the following qualifications:

(a) Resided or was domiciled in the District of Columbia who has moved into another state or territory and does not meet the voter registration residence requirements

of that state or territory; or resided or was domiciled in the District of Columbia immediately prior to departure from the United States and does not claim voting residence in any other state or territory;

(b) Is or will be eighteen (18) years old by the date of the next primary or general election in which a federal office appears on the ballot;

(c) Has not been adjudged mentally incompetent and is not incarcerated for conviction of a felony; and

(d) Has requested a "federal ballot" pursuant to § 720 by not later than the 23rd day preceding the date of the election.

710.6 Except as provided in this section, the vote of a person who is a duly registered voter of the District of Columbia shall be valid only if cast in the voting precinct serving the registrant's current residence address.

710.7 In the event that the voter registration notification sent to a new registrant by the Board of Elections is returned by the United States Postal Service during the thirty (30) day period immediately preceding the date of any election indicating that the person does not reside at the address of voter registration, the vote of such person shall be deemed "administratively challenged" and that person shall cast his or her vote by special ballot.

710.8 The Board shall place a list of voters deemed "administratively challenged" in each precinct which includes newly-registered voters whose voter registration notification is returned by the United States Postal Service pursuant to § 710.7.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2486-88 (April 10, 1992); and further amended by Final Rulemaking published at 42 D.C. Reg. 2489-90 (May 19, 1995) and 51 D.C. Reg. 7409-7412 (July 30, 2004).

711 VOTING BOOTH

711.1 Except as provided in this chapter, a voter shall enter a voting booth alone to mark his or her ballot.

711.2 A voter may take sample ballots and any other materials as he or she may desire into the voting booth.

711.3 No voter shall go into a booth that is already occupied, nor shall anyone communicate with or disturb the occupant of any booth.

711.4 Each voter shall mark the ballot promptly and shall leave the booth.

711.5 No person may occupy a voting booth except for the purpose of voting or for the purpose of rendering assistance to a voter, pursuant to the Election Act and the provisions of § 709.

711.6 Voting booths shall provide privacy for the voter while voting.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2488 (April 10, 1992).

712 SECRECY OF THE BALLOT

712.1 Before any ballot box is used for deposit of voted ballots, the Precinct Captain shall shake the ballot box to show, any voter and watchers present, that the box is empty.

(a) Inspect the interior of the ballot box to show any voters and/or watchers that all ballot receiving areas are empty;

(b) Secure and lock the ballot receiving areas of the ballot box;

(c) Produce a zero-printout and, after ascertaining that the vote totals opposite all voting positions are set at zero (0000) sign said printout; and

(d) Inspect ballot box counter display to insure that it reads zero (0000).

712.2 From the time of the procedure specified in § 712.1 until the voting slot is sealed, the polling official attending the box shall ascertain the following:

(a) Only official ballots are deposited in the box;

(b) Nothing is removed from the box; and

(c) Preservation of the secrecy of each voter's ballot.

712.3 Each voter shall deposit his or her official ballot in the ballot box before leaving the polling place.

712.4 Provision shall be made for maintaining the secrecy of the voted ballot while the voter carries it from voting booth to ballot box.

712.5 The ballot box(es) shall, at all times from the opening of the polls until the ballots and memory packs are returned to the counting center, be attended by a Precinct Captain or other official.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2488-89 (April 10, 1992). Final Rulemaking amendments are published at 51 D.C. Reg. 7412-7413 (July 30, 2004).

713 VOTE CASTING PROCEDURES: REGULAR BALLOT

713.1 Only duly registered voters shall be permitted to cast a regular ballot.

713.2 Each duly registered voter shall cast a ballot at the polling place serving the residence address of the registered voter.

713.3 During the hours of voting, the Board shall place in each polling place an alphabetical list (Master Index) of all persons registered in that precinct and eligible to vote in the election (Duly Registered Voters).

713.4 A listing of the registrants contained in the Master Index shall be available for public inspection.

713.5 The information printed on the Master Index in each polling place shall include the name, address, party affiliation (where applicable), and single member district (where applicable) of each duly registered voter residing in the precinct.

713.6 When a duly registered voter appears at the polling place to vote, the designated election official shall locate and read aloud the voter's name, address, and party affiliation (where applicable) from the Master Index.

713.7 The voter shall confirm the accuracy of the name, address, and party affiliation, where applicable, before signing the Master Index.

713.8 The act of signing the Master Index shall be deemed confirmation that the voter's name, address, and party affiliation are correct as shown on the Board's records.

713.9 After the voter has signed the Master Index, the polling official shall perform the following duties:

- (a) Insure the voter a Voter Card;
- (b) Require the voter to print his or her full name on the Voter Card; and
- (c) Direct the voter to the appropriate polling place official to obtain their ballot.

713.10 The designated polling official shall be responsible for the following:

- (a) Receive the Voter Card;
- (b) Twice announce clearly and publicly the name, and in a primary election, the party on the Voter Card;

(c) Ascertaining whether the voter will vote using the optical scan voting equipment or the direct recording electron (DRE) voting equipment;

(d) Issuing to voters selecting the optical scan voting equipment the ballots to which they are entitled, and issuing to voters selecting the (DRE) voting equipment the electronic voter cards to which they are entitled; and

(e) Depositing the Voter Card in a container provided for that purpose.

713.11 In the event that a voter chooses to use the Board's optical scan voting machines, the voter will complete his or her ballot and submit such ballot according to instructions which will be provided at the polling place.

713.12 In the event that the optical scan machine becomes inoperable for any reason during the election process, voters will place voted ballots into the auxiliary bin ballot slot of the ballot box. All ballots deposited in this auxiliary slot will be tabulated at the close of polls, either at the polling place if the machine regains operability, or at the Board's counting center, if not.

713.13 In the event that a voter chooses to use the Board's Direct Recording Electronic (DRE) voting equipment, the voter will be given an electronic voting card for the purpose of voting and will complete his or her ballot according to instructions which will be provided at the polling place.

713.14 In the event that the Board's Direct Recording Electronic (DRE) voting equipment becomes inoperable for any reason during the election process voters will be directed to use the optical scan equipment and submit their ballots in the manner prescribed in subsection 713.11 or, if applicable, 713.12.

713.15 Any repairs conducted on either the optical scan voting equipment or Board's Direct Recording Electronic (DRE) equipment will be performed in the presence and view of:

(a) An election official who shall note in writing all repair activity, and;

(b) Designated poll watchers who will be provided with any available information pertaining to system activity.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2489-90 (April 10, 1992). Amendments to Final Rulemaking published at 51 D.C. Reg. 7414 (July 30, 2004) and 51 D.C. Reg. 2718 (March 12, 2004).

714 SPOILED BALLOTS

714.1 If a voter makes a mistake in marking a ballot or erroneously defaces or tears a ballot, he or she may surrender the spoiled ballot to a polling official, who shall furnish the voter with another ballot.

714.2 The polling official shall request the voter to place the spoiled ballot card(s) into the spoiled ballot envelope.

714.3 The voter shall seal the envelope and shall return it to the polling official before an additional ballot can be issued.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2490 (April 10, 1992).

715 VOTING THE ABSENTEE BALLOT: GENERAL REQUIREMENTS

715.1 Except as provided in this chapter, a duly registered elector may apply for an absentee ballot by mailing a written request to the Board or by appearing in person to apply in writing at the office of the Board.

715.2 A registered vote may cast an absentee ballot, by mail or in person, for any of the following reasons:

- (a) The voter is temporarily outside the territorial limits of the District;
- (b) The voter is unable to vote at the regular polling place due to a permanent or temporary physical handicap, disability, or illness;
- (c) The voter is confined in an institution for mental treatment within or outside the District, but not judicially declared incompetent;
- (d) The voter is incarcerated in an institution, but not for conviction of a felony;
- (e) The voter is a Board employee who is necessarily absent for the precinct of registration on election day;
- (f) The voter resides outside the United States, and has registered to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, but only for candidates for federal offices;
- (g) The voter expects to be absent from the District of Columbia on election day;
- (h) The voter expects to be hospitalized on election day; or
- (i) The voter declares personal religious tenets prevent the voter from voting on election day.

715.3 Except as provided in §§ 719, no person shall be permitted to obtain an absentee ballot or execute an application for an absentee ballot for another registered voter.

715.4 An absentee ballot may be returned to the Board by any of the following ways:

- (a) Mail;
- (b) Brought to any polling place for deposit in the ballot box on election day; or
- (c) Delivered to the Board's office at any time before the close of the polls on election day.

715.5 A voter who was mailed or personally handed on absentee ballot is entitled to vote in the election only by that absentee ballot.

715.6 The absentee ballot shall be counted as being cast in the ward and precinct where the voter resides; provided, that the voter signs the absentee ballot envelope to certify that the voter has voted the ballot and has not voted in any other jurisdiction or in any other manner in the election.

715.7 No employee of the Board shall reveal the name(s) of the candidate(s) for whom an individual has voted or whether an individual voted for or against any initiative, referendum or recall measure, or Charter amendment.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2490-91 (April 10, 1992). Amendment to Final Rulemaking published at 51 D.C. Reg. 7416 (July 30, 2004).

716 VOTING THE ABSENTEE BALLOT: BY MAIL

716.1 A written request for a mail absentee ballot shall be received from the registered voter by no later than the seventh (7th) day preceding the day of the election and shall include the following:

- (a) Election(s) for which the absentee ballot is requested;
- (b) Reason for which the absentee ballot is requested;
- (c) Address from which the voter is registered to vote;
- (d) Voter's current residence address, if different from the address listed on the Board's records;
- (e) Address to which the absentee ballot shall be delivered; and

(f) Voter's original signature.

716.2 If an applicant qualified to vote by absentee mail provides a residence address that is different from the residence address listed on the Board's records, the application to vote absentee shall be considered a request for a change of address to the Board and the voter shall be issued a ballot for the current residence address.

716.3 Mailing absentee ballots shall be postmarked not later than the day of the election; provided, that ballots received from overseas in franked envelopes need not be postmarked.

716.4 All mailed absentee ballots shall be received by the Board not later than ten (10) days after the day of the election in order for the absentee ballot to be counted.

716.5 A registered voter may request absentee ballots, by mail, for all elections in the current calendar year.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2491-92 (April 10, 1992). Amendment to Final Rulemaking published at 51 D.C. Reg. 7416 (July 30, 2004).

717 VOTING THE ABSENTEE BALLOT: BY FAX

717.1 A registered voter may electronically submit (FAX) an application to vote absentee not earlier than three (3) days prior to the deadline for submitting requests for absentee ballots by mail.

717.2 An electronically transmitted (FAXed) application to vote absentee shall contain the same information as required in § 716.1.

717.3 A registered voter who electronically submits (FAXes) an application to vote by absentee ballot shall return, along with his or her voted ballot, the original absentee ballot application in order for the ballot to be counted.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2492 (April 10, 1992).

718 VOTING THE ABSENTEE BALLOT: IN PERSON

718.1 A duly registered elector may request an absentee ballot in person not earlier than fifteen (15) days preceding the election and not later than 4:45 p.m., of the day preceding the election.

718.2 A duly registered elector who requests in absentee ballot in person shall apply to the Board in writing, which application shall include the following:

- (a) Election(s) for which the absentee ballot is requested;
- (b) Reason for which the absentee ballot is requested;
- (c) Voter's current residence address;
- (d) Address to which the absentee ballot shall be delivered; and
- (e) Voter's original signature.

718.3 If a qualified applicant to vote by absentee in person provides a residence address that is different from the residence address listed on the Board's records, the application to vote absentee shall be considered a request for a change of address to the Board and the voter shall be issued a ballot for the current residence address; provided, that the applicant provides identification which establishes identity and current residence address.

718.4 The types of identification that constitute acceptable proof of identity and current residence shall be the same as provided in § 721.5.

- (a) Cast the absentee ballot in the office of the Board, and;
- (b) Place the voted ballot in an envelope, seal the envelope, and deposit the sealed envelope in the absentee ballot box.

718.5 During the period for absentee voting in person, the Board shall be open Monday through Saturday, except holidays, from 8:30 a.m. until 4: 45 p.m.

718.6 During the period for absentee voting in person, the Board shall be open Monday through Saturday, except holidays, from 8:30 a.m. until 4:45 p.m.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2492-93 (April 10,1992).

719 VOTING THE ABSENTEE BALLOT: IN EMERGENCY

719.1 A registered voter may apply for an emergency absentee ballot, through a duly authorized agent at the office of the Board from the sixth (6th) day prior to any election to the time the polls close on election day, under the following circumstances:

- (a) The voter is physically unable to be present at the polls as the result of an illness or accident occurring after the deadline for requesting to vote absentee by mail; or

(b) Having expected to recover from an illness by election day and voting at the polls, finds that after the deadline for requesting an absentee ballot by mail, he or she is physically unable to vote at the poll on election day.

719.2 A registered voter shall apply to vote by emergency absentee ballot according to the following procedure:

(a) The registered voter shall, by signed affidavit on a form provided by the Board, set forth the reason why the voter is unable to be present at the polls on the day of the election and designate a voter registered in the District of Columbia to serve as agent for the purpose of delivering the absentee ballot to the voter;

(b) Upon receipt of the application, the Executive Director, or his or her designee, if satisfied that the person cannot, in fact, be present at the polling place on the day of the election shall issue to the voter through the voter's duly authorized agent an absentee ballot which shall be marked by the voter, placed in a sealed envelope and returned to the Board before the close of the polls on election day; and

(c) The person designated as agent shall, by signed affidavit on a form prescribed by the Board, state the following:

(1) That the ballot will be delivered by the voter who submitted the application for the ballot; and

(2) That the ballot shall be marked by the voter and placed in a sealed envelope in the agent's presence, and returned, under seal to the Board by the agent.

719.3 A registered voter serving on a sequestered jury on election day may vote by absentee ballot.

719.4 An officer of the court in charge of a jury sequestered on election day may act as agent for any registered voter sequestered and shall do the following:

(a) Deliver an application to vote by absentee ballot to the applicant;

(b) Deliver the absentee ballot to the applicant; and

(c) Return the voted ballot to the Board before the close of the polls on election day.

719.5 The Board shall advise all agents, in writing, that pursuant to D.C. Official Code §§ 1-1316 and 1-1318 (1999 Repl.), it is unlawful to do any of the following:

(a) Vote or attempt to vote more than once in any election; or

(b) Purloin or secret any of the votes cast in any election.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2493-94 (April 10, 1992).

720 VOTING THE ABSENTEE BALLOT: FEDERAL VOTER

720.1 In order to vote by absentee ballot, a citizen of the United States who meets the requirements of § 710.1(d) as a "Federal Voter" shall execute an application which includes the following:

- (a) A statement that the applicant requests a ballot for federal offices;
- (b) The last address in the District at which the applicant resided; and
- (c) The signature of the applicant, which must be an original signature.

720.2 A request for a Federal Ballot shall be received by the Board not later than twenty-three (23) days preceding the date of the election.

720.3 Notwithstanding § 717.1, a registered voter serving on active duty in the armed forces of the United States may apply to have his or her absentee ballot electronically transmitted (FAXed) through the voting system instituted by the Federal Voting Assistance Office of the Department of Defense if an unexpected necessity of military service prevents the applicant from receiving the ballot and returning the voted ballot to the Board within the forty-five (45) day absentee balloting guideline period established by the Federal Voting Assistance Office.

720.4 An application to electronically transmit (FAX) an absentee ballot shall contain, in addition to the information required in § 717.1, the reason that the applicant's military service prevents the applicant from receiving the ballot and returning the voted ballot to the Board within the forty-five (45) day absentee ballot guideline period established by the Federal Voting Assistance Office.

720.5 Upon approval of an application for electronic transmission (FAX) of an absentee ballot, the Board shall assign a FAX authorization number to the registered voter.

720.6 A voter who returns his or her ballot by electronic transmission (FAX) shall provide on the return transmittal cover his or her FAX authorization number and sign the following statement:

I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2495 (April 10, 1992).

721 VOTE CASTING PROCEDURES: SPECIAL BALLOT

721.1 An individual whose eligibility to vote in the election cannot be determined at the polls on election day because of one or more of the reasons cited in § 710.4 shall vote by special ballot.

721.2 A registered voter who files an election day change of address at the precinct of current residence shall, by written affirmation, establish identity and current residence within the precinct at the time of voting.

721.3 The outside of the special ballot envelope shall contain a statement warning the voter of the criminal penalties for making a false representation as to his or her qualifications for voting and an affirmation signed by the voter attesting the following:

(a) That to the best of his or her knowledge and belief, he or she is a registered voter in the District of Columbia;

(b) If he or she is not registered to vote, that he or she meets the qualifications for voter registration;

(c) That he or she resides in the precinct where voting at the address provided;

(d) His or her date of birth; and

(e) Any other information as the Board deems necessary for its chief registration official to determine that the individual is qualified to have the ballot counted.

721.4 Before being permitted to vote, the voter shall sign the affirmation printed on the Special Ballot Envelope.

721.5 The designated polling place official shall witness the voter signing the affirmation printed on the Special Ballot Envelope.

721.6 The Special Ballot Envelope shall also provide the following:

(a) Space for the name and current residence of the voter;

(b) Space for the election worker to indicate the reason for voting the Special Ballot;

(c) The number of the precinct in which the voter is casting the ballot; and

(d) Any other information as may be necessary to determine if the person is qualified to vote.

721.7 Designated polling officials shall place the word "**SPECIAL**" upon each ballot card which the voter will receive, and shall issue the following:

- (a) Ballots;
- (b) An inner envelope to ensure the secrecy of the ballot; and
- (c) Written notification of appeal rights to the voter if the Board's chief registration official decides not to count the Special Ballot.

721.8 Designated polling officials shall instruct the voter on the following:

- (a) Designating choices on the ballot;
- (b) Placing the voted ballot in the inner envelope;
- (c) Placing the inner envelope containing the voted ballot inside the Special Ballot Envelope; and
- (d) Depositing the sealed envelope in the ballot box.

721.9 The Board's chief registration official shall review the information provided on the Special Ballot Envelope as well as all other available evidence pertaining to the eligibility of each voter casting a special ballot, and shall make a decision about whether to count or reject each special ballot in a manner consistent with the procedures set forth in § 722.

721.10 The tabulation of votes recorded on all Special Ballots approved for counting by the chief registration official or the Board shall be conducted on the tenth (10th) day following the election, along with all remaining absentee ballots approved for counting; provided, that those absentee ballots which are received sufficiently in advance of the election may be counted on election day.

721.11 As soon as practicable after the election, the Board shall mail each registered voter who filed a change of address at the polls on election day a non-forwardable address confirmation notice to the address provided in the written affirmation on the Special Ballot Envelope.

721.12 Where the United States Postal Service returns the address confirmation notification as "undeliverable" or indicating that the registrant does not live at the address provided in the written affirmation on the Special Ballot Envelope, the Board shall notify the Corporation Counsel of the District of Columbia.

SOURCE: Final Rulemaking published at 42 D.C. Reg. 2489, 2495-98 (May 19, 1995).

722 SPECIAL BALLOT APPEAL RIGHTS

722.1 A voter's act of signing a challenged or special ballot envelope shall be deemed the filing of an appeal by the voter of the refusal by the Board's chief voter registration official to permit the voter to vote on election day by regular ballot, and a waiver of personal notice from the Board of any denial or refusal to a later count of the challenged or special ballot.

722.2 At the time of voting, the Board shall provide the voter with written notice that indicates the manner by which he or she may learn whether the Board has decided to count or reject the voter's special ballot and of the dates scheduled for hearings for voters whose special ballots are rejected to contest the Board's preliminary determination if they petition to do so.

722.3 Not later than the Tuesday following each election, the Board shall during regular business hours maintain a telephone service by which any voter who has voted a special ballot may learn of the Board's preliminary decision to count or reject his or her ballot along with the reason(s) for each decision.

722.4 Not earlier than eight (8) days and not later than ten (10) days after the date of any election, the Board shall, upon petition of the voter, conduct a hearing for the voter to contest the Board's preliminary determination to reject the voter's special ballot.

722.5 At the hearing, the voter may appear and give testimony on the question of the decision to reject the special ballot.

722.6 The Board shall make a final determination to either count or reject the voter's special ballot within two (2) days after the date of the hearing.

722.7 The voter may appeal an adverse decision of the Board to the Superior Court of the District of Columbia within three (3) days after the date of the Board's decision. The decision of the court shall be final and not appeal able.

SOURCE: Final Rulemaking published at 42 D.C. Reg. 2489, 2498 (May 19, 1995). Amendments to Final Rulemaking published at 50 D.C. Reg. 11075 (December 26, 2003) and 51 D.C. Reg. 7421 (July 30, 2004).

723 CLOSING THE POLLS

723.1 Immediately after the last voter has voted, the Precinct Captain or his or her designee(s) shall in the presence and view of designated poll watchers:

(a) Remove all voted ballots from the ballot box, and secure them in a transfer case for delivery to the Counting Center;

(b) Remove any ballots that have been deposited either in the emergency ballot entry slot in front of the ballot box or in an auxiliary ballot box, enter these ballots into

the automatic tabulating system, secure these ballots in the transfer case referred to in § 724.1 (a).and seal the transfer case with a signed certificate;

(c) Request and confirm the close of polls and produce the total vote count tape for all contests on the ballot in that precinct.

(d) Enter the reading from the automatic tabulating system's public counter onto the total vote count tape;

(e) Remove and sign the total vote count tape, and seal it for delivery to the counting center; and

(f) Place the automatic tabulating system's memory pack into a transfer case which shall be sealed with a signed certificate for delivery to the Counting Center.

723.2 The Precinct Captain shall then prepare a complete accounting of ballots issued to that polling place, in accordance with and on forms provided by the Board.

723.3 The accounting of ballots shall include the following numbers of ballots:

(a) Voted;

(b) Spoiled;

(c) Not used; and

(d) Received.

723.4 In accordance with directives of the Board, the transfer cases containing the voted ballots and the memory packs shall be returned to the Counting Center promptly following the closing of the polls.

723.5 Unvoted ballots and other election materials and paraphernalia shall be returned to the custody of the Board as directed.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2498-99 (April 10, 1992). Amendments to Final Rulemaking published at 51 D.C. Reg. 7422 (July 30, 2004).

724 COLLECTION AND TRANSFER OF BALLOTS AND OTHER POLLING PLACE MATERIALS

724.1 All ballots cast in any election shall be collected and transferred from precincts to the Counting Center by designated transport teams.

724.2 The transport team shall issue a receipt to the Precinct Captain for all items.

724.3 The reception team at the Counting Center shall issue to the transport team a receipt for the ballot boxes containing voted ballots.

724.4 Other polling place materials shall be transferred from precincts to a place designated by the Board.

724.5 Unused or spoiled ballots, the Roster Index Lists, and all other materials relating to voting and which are required for the official canvass, shall be placed in secured storage.

724.6 The official designated to receive the other polling place materials shall issue a receipt for same to the transport team.

724.7 The seal of each ballot box shall be inspected and certified as to its condition.

724.8 Inspection and certification of the seal shall be performed twice by the following:

- (a) The first time by the transport team upon receipt of ballot boxes at the polling place; and

- (b) The second time by the reception team upon receipt of ballot boxes at the Counting Center.

724.9 The certification shall include the following:

- (a) Precinct number;

- (b) Ballot box number;

- (c) Condition of seal; and

- (d) Any defects observed.

724.10 The certification shall be signed by members of the team making the certification.

724.11 At the Counting Center, each ballot box shall be marked as inspected before being delivered to a ballot inspection team or sorting team.

724.12 If there is more than one (1) ballot box for a single polling place, all boxes shall be delivered to one (1) inspection or sorting team.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2500-01 (April 10, 1992).

725 SPECIAL ELECTION PROCEDURES: ADVISORY NEIGHBORHOOD COMMISSION MEMBERS

725.1 The Board may exercise its discretion and conduct a special election to fill a vacancy in a Single-Member District of an Advisory Neighborhood Commission by postal ballot, pursuant to D.C. Code §§ 1-309.06(d) and 1-1001.17(h) (2006 Repl.).

725.2 Procedures for conducting special elections to fill a vacancy in a Single-Member District of an Advisory Neighborhood Commission shall be in accordance with this chapter and chapter 13 of this title.

SOURCE: Final Rulemaking published at 39 D.C. Reg. 2467, 2501 (April 10, 1992). and as amended by 51 D.C. Reg. 7427 (July 30, 2004).